

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER AND INDUSTRY SERVICES
BEFORE THE STATE BOUNDARY COMMISSION

In the matter of:

Boundary Commission
Docket #96-AP-3

The proposed referendum election on the annexation of
territory in **Richmond Township**
to **Reed City**.

SUMMARY OF PROCEEDINGS, FINDINGS OF FACT AND ORDER

This matter of the proposed referendum annexation on the annexation of the following territory in Richmond Township to Reed City which is described as follows:

The Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4), and Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4), Section Fourteen (14), Township Seventeen (17) North, Range Ten (10) West, being Richmond Township, Osceola County, Michigan.

This matter came before State Boundary Commissioners VerBurg, and Rutledge, and Osceola County Commissioners Barber and Patterson for final adjudication in Lansing on **October 7, 1997**. The Commission, being fully advised as to the positions of the respective parties, made its findings on said date.

SUMMARY OF PROCEEDINGS

- A. On **February 9, 1996**, a petition was filed by Michael Dailey, property owner, asking for the annexation of a portion of Richmond Township into Reed City.
- B. On **August 8, 1996**, the State Boundary Commission held an adjudicative meeting in Lansing to determine the legal sufficiency of the petition. The Commission declared the petition legally sufficient, pursuant to Public Act 191 of 1968, as amended, and Public Act 279 of 1909, as amended.
- C. On **September 12, 1996**, the State Boundary Commission held a public hearing in Reed City to receive testimony given pursuant to Public Act 191 of 1968, as amended.
- D. On **March 27, 1997**, the State Boundary Commission held an adjudicative meeting in Lansing to reach a decision on the information received but no decision was reached.
- E. On **May 22, 1997**, the State Boundary Commission held an adjudicative meeting in Lansing to reach a decision based on the information received. The Commission voted to recommend approval of the annexation petition.

- F. On **June 12, 1997**, the State Boundary Commission held an adjudicative meeting in Lansing and voted to recommend approval of the Draft Findings of Fact and Order to the Director of the Department of Consumer & Industry Services.
- G. On **July 3, 1997**, the Director of the Department of Consumer and Industry Services signed the Order.
- H. On **July 30, 1997**, a petition was filed requesting a referendum election on the annexation of territory in Richmond Township to Reed City, Docket #96-AP-3
- I. On **September 17, 1997**, the State Boundary Commission held an adjudicative meeting in Lansing to determine the legal sufficiency of the referendum petition but reached no decision.
- J. On **October 7, 1997**, the State Boundary Commission held an adjudicative meeting in Lansing to determine the legal sufficiency of the referendum petition. The Commission rejected the petition for lack of legal sufficiency.

INFORMATION TO BE NOTICED

- 1. A petition was filed on July 30, 1997 by David W. Erler, Richmond Township Supervisor, asking for a referendum election on the annexation of property in Richmond Township to Reed City as described in Docket #96-AP-3.
- 2. The petition was found to have a sufficient number of valid signatures from registered voters in the balance of the Township and to have been filed within 30 days following the signing of the Order for Docket #96-AP-3.
- 3. Chapter 117.9 (4) of the Home Rule Cities Act of 1909, as amended, reads as follows:

If an annexation is approved, and if on the date the petition or resolution was filed 100 persons or less resided in the area approved for annexation, the commission's order shall not be subject to a referendum.
- 4. The record shows that 33 mobile homes and one house were occupied in the area proposed for annexation on the date the original petition was filed (February 9, 1996).
- 5. 1990 census data for the Census Block containing the area proposed for annexation shows 24 occupied dwellings with a population of 58.

6. The record shows that based on 1990 census information and the actual number of residents living in the residences that were not mobile homes, a population of 80.494 can be calculated for the area proposed for annexation on February 9, 1996.

THE COMMISSION FINDS THAT

1. Administrative Rules for the State Boundary Commission Act require the Commission to make a determination as to the population of an area to be annexed and outlines methodologies for making this determination.
2. The intent of the Administrative Rules and past practice of the State Boundary Commission is to make a determination of population as accurately as possible.
3. The population of the area proposed for annexation on February 9, 1996 was less than 100.

IN CONCLUSION, THE COMMISSION FINDS THAT

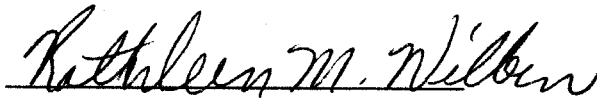
1. The Commission has considered all of the testimony and the public record regarding the petition for a referendum election.
2. On **October 7, 1997** at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg and Rutledge, and Osceola County Commissioner Barber voted to recommend rejection of the referendum petition to the Director of the Department of Consumer and Industry Services. Osceola County Boundary Commissioner Patterson voted no on the motion.
3. On **October 30, 1997**, at an adjudicative meeting held in Lansing, State Boundary Commissioners VerBurg and Rutledge and Osceola County Boundary Commissioner Barber voted to approve the Draft Findings of Fact and recommend that the Director of the Department of Consumer & Industry Services sign the Order. Osceola County Boundary Commissioner Patterson voted no on the motion.

ORDER

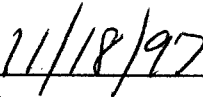
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IT IS ORDERED THAT this order **rejecting** the petition for a referendum on the **July 3, 1997 Order** for annexation of certain territory in Richmond Township into the Home Rule City of Reed City shall be final and effective on the date signed by the Director of the Department of Consumer & Industry Services.

IT IS FURTHER ORDERED THAT the Executive Director shall forthwith return the petition to the petitioner and transmit a certified copy of these Findings of Fact and Order to the petitioner and to the clerks of Reed City, Richmond Township, and Osceola County.



Kathleen M. Wilbur, Director
Michigan Department of Consumer & Industry Services



Date